



## **DDPIT Meeting Minutes – November 9, 2016**

### **Participants:**

Present: Andrea Sarto (North Country CMH); Barbara LeRoy (DDI); Barb Valliere (UCP); Belinda Hawks (MDHHS); Charlyss Ray (MDHHS); Cheri Johnson (MMI, Inc.); Chris Lerchen (ARC of NW Wayne); Chris Zeigler (MRC Industries); Dohn Hoyle (ARC); Ellen Hyman (MDHHS); Gary Smith (Allegan CMH); Jim Dehem (CLS); Joe Fraam (Hope Network); Kathleen Kovach (OCCMHA); Kathy Lentz (KCMHSAS); Mary Phillips (Livingston CMH); Nicole Lawson (OCCMHA); Robert Stein (MALA); Sharon Milberger (MI-DDI); Shannan Clevenger (Lifeways CMH); Sherri Boyd (ARC); Todd Culver (MARO); Tracy Duncan (St. Clair County CMH); Yasmina Bouraoui (DD Council); Amy Peckinpaugh (MDHHS)

Phone: Beth Schliska (Hiawatha Behavioral Health); Jackie Igafo-Te'o (parent); Lucy Wilcox (NorthCare Network); Mick Sheridan (Copper Country CMH); Teresa Tokarczyk (Au Sable Valley CMH)

Guests: Lieutenant Governor Brian Calley; Mark McWilliams (MPAS); Sara Grivetti (Independent Living Council); Jay Seo (Integrated Care Division, MI Health Link); Yingxu Zhang (MDHHS)

Absent: Angel Irvin (DD Council); Ambrosia Jackson (MCCMH); Audrey Craft (MDHHS); Brent Mikulski (STEP); Denise Clark (Pathways CMH); Don Schuster (Listening Ear); Elmer Cerano (MPAS); John Williams (Progressive Lifestyles); Lori Baumgart (MCCMH); Vendella Collins (DD Council); Will Morris (Sanilac CMH)

### **Meeting Minutes and Action Items:**

- Reviewed minutes from September 14, 2016. No changes were requested.
- Shared changes in DDPIT Membership regarding Rosa Thomas being replaced with Ambrosia Jackson (Macomb), Jaime Palma with Gary Smith (Allegan CMH), and Jamie Lovejoy-Bragg with Joe Fraam (Hope Network).
- Correspondence from Tom Renwick was shared regarding clinics included as Certified Community Behavioral Health Clinics (CCBHCs) within the demonstration grant application.
- Jay Seo reviewed MI Health Link Enrollment information:
  - Reviewed data for Regions 1, 4, 7 and 9. Data presented included the number of individuals receiving behavioral health services; individuals enrolled in the Habilitation Supports Waiver (for October/November), and individuals enrolled in the MI Health Link HCBS (C) Waiver.
  - Jay discussed health outcomes available in 2017 as still too early for quality data; reviewing HEDIS (healthcare effectiveness data and information set) measures; and cost analysis.
  - DDPIT members requested additional information in the following areas: Number of individuals receiving behavioral health services which are eligible for MI Health Link; outcomes – what kind of data is being collected, reporting requirements for Centers for Medicare and Medicaid Services (CMS), behavioral health data, and IDD data; cost data analysis, breakdown of data for IDD and MI individuals; information related to individuals who dis-enrolled, who opted out and those who enrolled and remained enrolled; and the reporting template for knowledge regarding HEDIS and cost association.
- Belinda Hawks provided an update on the Home and Community-Based Services implementation:
  - Webinars, outreach and education for individuals receiving services, facilitated in October. Reviewed reports available for the PIHPs to run. Testing phases need to be corrected with Optum. Plan to finish testing and go live the week of November 14, 2016. Additional communication forthcoming to the field.

- Phase 2 of the HSW HCBS surveys will begin on November 14, 2016. Information needs to be placed into the system by November 11 – individuals receiving supports and providers. This is through the end of January 2017. Suggesting providers have an email account but will work with providers if they do not have electronic access to assure they receive a survey.
- Region 2 indicated, during the webinars held in October 2016, MDHHS indicated they would send information to the providers. Belinda Hawks shared the HCBS Implementation Advisory Council is working to develop tools for the providers. Discussed December 2016 as a timeframe for this tool. Concerns were discussed regarding the delay in this tool being available for providers. Once the tool to train and inform providers is complete, the tool will be disseminated to the field and available on the website
- Reviewed how/when encounter data is pulled for the surveys. Accessed from the 3<sup>rd</sup> and 4<sup>th</sup> quarter of FY16.
- Statewide Transition Plan final draft will be distributed for public comment December 1, 2016 due to the (b) group being added.
- Working to include all the features CMS is asking. Policy in conflict with the rule, neutral, or in support of the rule; question on foster care related to SED and CWP waivers in compliance with HCBS; questions regarding visiting hours, choice of roommate and care agreements. Some of these areas will be addressed at the HCBS Implementation Advisory Council. Will be available for public comment in December 2016 through January 2017. Plan to submit at the end of March 2017.
- Belinda Hawks shared MDHHS HCBS Specialist, Millie Shepherd, started with the department on Monday.
- Dohn Hoyle shared an update on progress with a DDPIT member regarding recovery from a stroke. This member is at Mary Free Bed in Sparrow Hospital receiving inpatient rehabilitative care.
- Charlyss Ray shared video clips for Accessing Services for Deaf, Deaf Blind, or Hard of Hearing (DDBHH) individuals:
  - Videos were filmed at the Russell Industrial Complex in Detroit.
  - Videos are designed to assist with improved access to services and supports.
  - Charlyss Ray shared additional work to improve behavioral health service access for DDBHH is being developed through a grant with DeafCAN!. There will be trainings at four pilot sites, in April and May 2017, which will address the unique service and support needs of DDBHH persons.
  - The five video clips/links will be emailed to DDPIT members.
- Robert Stein, Kathy Lentz, and Dohn Hoyle provided a licensing update:
  - Conversations ongoing with Department of Licensing and Regulatory Affairs (LARA). Difference of opinion with LARA. The bureau's (LARA) position is when all of the elements of adult foster care are provided, a license is required. The elements are: Personal care, supervision and protection, and room and board.
  - MALA and others have a different opinion. They have been working with LARA since January 2016. A number of non-profits have been cited. Services continue – in some incidences a license is applied for the purpose of avoiding criminal sanction. The ARC of Michigan is assisting with the issue regarding licensing.
  - The lawsuit is being held in abeyance (temporary inactivity, cessation) until February 1, 2017 pending a legislative resolution.
  - Senate Bill SB1141 was introduced October 2016 by Senator Marty Knollenberg, referred to the Committee on Regulatory Reform on October 20, 2016. The bureau doesn't support the bill. They have offered an alternative which has some aspects of SB1141. It requires individuals living in their own home to be on a registry list. Individuals living in their own home are not seeking to be named on a registry list.
  - LARA is meeting with Senator Knollenberg.
  - DDPIT members asked for MDHHS-BHDDA to take a stand on making a recommendation. Amy Peckinpaugh will follow up with Jeff Wieferich.
  - Reviewed recommendations from the Foster Care Advisory Council Group. It was recommended for agencies that have an investigation to apply for an AFC license; won't act on the license/won't act for injunctive relief due to applying for license; application for a license results in not being referred to the attorney general's office – a stop gap measure that is precarious.

- Community Living Supports (CLS) shared they received another citation. The CEO and provider were cited.
- Discussed using local zoning laws.
- These issues continue to have an impact on new development for living arrangements for individuals.
- Lieutenant Governor Brian Calley reviewed progress regarding Kevin's Law; restraints and seclusion reform; planning for improved educational outcomes for students with intellectual and developmental disabilities; and Employment First:
  - Lieutenant Governor (LG) Brian Calley discussed (one day post Presidential Election) continuing to fight for people with disabilities and continuing to represent the individuals we serve.

#### Kevin's Law:

- Reviewed changes with Kevin's Law (2004 legislation that set criteria for assisted outpatient treatment, allowing others to obtain mental health services for those with severe illness who have difficulty helping themselves). The process was not being used because it was too complex.
- An amendment to Kevin's Law simplifies the process for seeking court-ordered treatment and establishes a process for early intervention; unifies and simplifies the petition and certification processes used to seek court-ordered care without diminishing an individual's rights; short-term hospitalization and a more successful release plan; and two million dollars in the State of Michigan's budget for this fiscal year.
- LG Brian Calley acknowledged Region 8, OCCMHA, for their work and support with Kevin's Law.
- Changes to Kevin's Law are on their way to the Governor's desk for signature.

#### Restraints and Seclusion Reform:

- This legislation has made its way through the Health Policy Committee. The bipartisan legislation is on its way to the House and Senate for vote (House Bills 5409-5418).
- Legislation bans mechanical restraints, and the use of restraint and seclusion practices in non-emergency situations.
- LG Brian Calley reviewed the use of positive support, identifying early signs or events that may prompt behavioral issues, and training for staff are effective best practices.
- LG Brian Calley shared support for this reform has been received by the school boards, special education and general education administrators and the Michigan Education Association (MEA). School Psychologists have not come into alignment.
- Included in the State's budget this year are dollars for implementation for professional development which teaches positive behavioral support. Open to all staff in the school. Includes training for an emergency restraint – implementing without causing harm to students. A cadre of trainers will be available to ISDs (Intermediate School Districts) around the state.
- Reviewed outcomes with an Ingham County ISD regarding the use of positive behavioral support plans which resulted in suspensions decreasing approximately 40 percent.

#### Dispute Resolution:

- Reviewed many IEP disputes resulting in lawsuits and drawn-out confrontation. Provided an example of an ISD in Michigan where a parent filed a State complaint. The school district filed for due process which stopped the complaint from proceeding. Reviewed parents and students waiting for resolution, parents spending thousands of dollars, the whole process being costly, and the need for all to have equal footing, and determine what is best for the student/child.
- Reviewed mediation not be utilized. Need to create a talented group of mediators who know the law.

#### 298 Initiative:

- LG Brian Calley shared he is not sure if there is going to be answers in January 2017. (Note: The Department must submit a final set of recommendations to the Michigan Legislature by January 15, 2017.)
- A complex process of gathering input; the language will include the work from the 298 workgroup.

- LG Brian Calley shared he is not the final decider.

#### Employment First:

- Reviewed progress with the Employment First in Michigan Executive Order.
  - LG Brian Calley shared success stories from around the state.
  - LG Brian Calley and Supreme Court Justice Richard Bernstein continue work to open more doors and opportunities.
  - Members discussed working through the local chamber of commerce.
  - Discussed capacity issues related to follow-up with employers.
  - Chris Zeigler shared a success story with MRC Industries regarding the unemployment rates helping, employers looking for individuals to fill positions, and in October MRC Industries placing seven individuals in jobs.
  - Reviewed progress with ABLE (Michigan Achieving a Better Life Experience) accounts in Michigan. ABLE savings accounts are used for spending on education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management, legal fees, and other expenses. Families now have tax-exempt options to save more money to support their loved ones without worrying about losing access to other benefits.
  - Yasmina Bouraoui shared success with the ODEP (Office of Disability Employment Policy) grant. The grant provides for technical assistance.
  - Group members discussed providing training for providers (through grants and MARO), identifying businesses, exploring internships, utilizing alternative funding models, creating funding to incentivize and pay for outcomes, and working on policy changes.
  - Members discussed the VR (Vocational Rehabilitation) group not understanding the mental health system, the payment system, and the collaboration of the groups that work together. Employment needs of individuals with intellectual and developmental disabilities are not being fully met.
  - Barb Valliere (United Cerebral Palsy) shared the vocational staff need additional training and to broaden their minds. Also shared if an individual has a master's degree, planning to place them at McDonald's is not appropriate.
  - Group reviewed obstacles and concerns with the oversight for implementation of the Employment First Order with the State Rehabilitation Council.
  - DD Council, MARO, and the Statewide Independent Council (Yasmina Bouraoui, Todd Culver, and Sara Grivetti) will work together to develop a proposal and meet with LG Brian Calley in the first quarter of 2017 to discuss the proposal.
  - The three DDPIT members above will report on their progress at the January 11, 2017 DDPIT meeting.
- DDPIT members briefly reviewed disparities throughout the state and planning to address this concern:
    - Tom Renwick will be invited to an upcoming DDPIT meeting to discuss the changes to the site review process, quality standards for 1115, and the federal managed care rule.
  - **Future Discussion for DDPIT:**
    - Review of MI Health Link related to integration of health of individuals with I/DD – what are we doing with MI Health Link and how is health being integrated.
    - Receive an update on conflict free case management from Ellen Hyman and Tom Renwick.
    - Continue with updates on licensing from Robert Stein, Dohn Hoyle, Elmer Cerano and Kathy Lentz.
    - Focus on NCI areas for improvement and policy change.
    - Review Disparities across the state and the improvement process.

#### **Next Meeting:**

**Next meeting is January 11, 2017 at 1 pm in Lansing.**